GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agriculture & Cooperation Department – Departmental proceedings under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 against Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari District – Certain allegations made by Sri M. Babu Rao – Enquiry Conducted – Allegations proved – Initiation of Disciplinary action – Articles of Charges – Issued.

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AGRICULTURE AND COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 664 Dated: 30-10-2017

Read:

From the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur, Lr.Rc.No.1096/2014/SG-3, Dt:30.05.2017.

ORDER:-

It is proposed to hold an inquiry against Sri P.Ram Mohan, Joint Registrar the then District Cooperative Officer, Eluru, West Godavari District, in accordance with the procedure laid down in Rule 20 of the A.P. Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom the article of charges are proposed to be sustained are also enclosed (Annexure II and III).

3. Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari District is directed to appear before the disciplinary authority within 10 days of the receipt of this charge memo. and submit a written statement of his defense.

4. Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari District is informed that, an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. The attention of Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari District is invited to Rule 24 of the APCS (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that the said Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the APCS (Conduct) Rules, 1964.

P.T.O.

7. The receipt of this order shall be acknowledged forthwith.

(BY THE ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P.Ram Mohan, Joint Registrar, the then District Cooperative Officer, Eluru, West Godavari through the Spl. CC&RCS, A.P., Guntur.
The Special Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur with a request to serve the Charge Memo to the Charged Officer and obtain the dated acknowledgment from him.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER

Annexure-I

Statement of articles of charge framed against Sri P. Ram Mohan Joint Registrar (under suspension) for the lapses committed by him while working as District Coop. Officer, W.G. Dist., Eluru.

Charge No.01:-

That Sri P. Ram Mohan, Joint Registrar (U/s) while working as the Dist Coop. Officer, W.G.Dist., Eluru has abstaining himself for the meeting of Hon'ble Minister (Coop.) on 27-12-2013. This shows disobedience and dereliction of legitimate duties.

Basis of Charge:-

As per the Govt. Memo No.16164/Coop.V/2013-2 A&C(Coop-V) Dept, dt:06-01-2014, the J.R.DCO., Eluru has not attended for the meeting conducted by Hon'ble Minister (Coop.) on 27-12-2013 even though he was informed about the meeting of the Hon'ble Minister for Coop. on 27-12-2013 through the Hon'ble Minister's Peshi and he was not available over phone. And the Dist. Collector, W.G. District has complained several times about his non availability in the District and not attending the meetings of the Hon'ble Coop. Minister. It shows his gross negligence in performing the Official duties and hence he was kept under suspension vide G.O.Rt.63, Agri. & Coop.(Vig.II) Dept., dt:-27-01-2014. He was reinstated into service Vide G.O.Rt.No.209 dt. 19.03.2016 of A&C (Vig.II) Department pending disposal of disciplinary case against him.

Charge No.02:-

That the charged officer , while working as District Cooperative Officer, Eluru had indulged in financial irregularities by allowing withdrawal of funds to a tune of Rs.6,16,612 and Rs,3,18,846.00 in violation of due procedures, from the SB A/c No.111 maintained in the District Cooperative Central Bank Ltd, Eluru, Head Office, Branch." This shows gross violation of prescribed rules/procedure and misappropriation of Govt. money.

Basis of Charge:-

The Additional Joint Collector, W.G. District, Eluru in his report Rc.No.231/2014-A, Dated.02-07-2014, while conducting enquiry into certain allegations made by Sri M. Babu Rao against Sri. Y. Ravi Kumar, the then Junior Inspector, District Cooperative Officer, W.G. District, Eluru, reported as follows:-

"As seen from the budget releases, utilization and surrenders for the year 2006-2007, it is observed that Government releases sufficient budget under various heads especially under the head 240-Petrol, oil and lubricants Rs.31500.00 but besides that they paid an amount of Rs.90,484.00 on 26-08-2006 to the Eluru Petrol Supply Company. Further for the year 2007-08 besides utilizing the budget amount, they paid an amount of Rs.2, 24,374.00 to the Eluru Petrol Supply Company towards Diesel from the S.B.A/c No.111. It is quite abnormal expenditure and no ratification from higher authorities or prior permission is there to use other funds besides the sanctioned budget. This item was not observed by the alleged person and resorted to drawn of the amounts beyond limits of budget.

As per the A.P. Financial Code, every Government servant shall have the responsibility of maintaining proper accounts for the funds to which he entrusted. As seen from the note file for the amount drawn in the name of the alleged person, the particulars of the bills for which amount drawn were not mentioned. Thus it is clear that the alleged person drawn the amount not for pending bills but drawn as violation of rules in force.

P.T.O.

It is the responsibility of the Accountant or District Cooperative Officer to place all the accounts before the AG Audit, but he failed in discharging his legitimate duties.

The amounts were withdrawn for payment of DCMS pending bills instead of making payment through cheque directly to the DCMS. It is highly objectionable.

The Government has released quarterly budget for the all the inevitable expenses to run the office such as Diesel, Electricity, contingent etc heads and all the budget was drawn and utilized and even surrendered some amounts but drawn other amounts from SB A/c No.111 without permission of the department and not at all reimbursed any amounts to the accounts. As seen from the budget releases and surrenders for the year 2006-2007, it is observed that Government releases sufficient budget under various heads. Even through the Government has sanctioned sufficient funds, drawal of amounts from SB A/c No.111 is beyond powers by showing various needs (Ex: Diesel, Xerox, Etc.,) is suspicious and it is nothing but misappropriation of the Government funds in the guise of needs. This irregularity is not questioned by the District Cooperative Officer, Which needs a deep departmental enquiry to take final action."

Hence, the charge.

Charge No.03:-

That the charged officer failed to take any action against Sri. Y. Ravi Kumar, Junior Inspector, who delayed submission of DA arrear bill of staff for a period of 9 months and caused loss to the concerned staff". This shows gross negligence and dereliction of legitimate duties.

Basis of Charge:-

The Additional Joint Collector, W.G. District, Eluru in his report Rc.No.231/2014-A, Dated.02-07-2014, while conducting enquiry into certain allegations made against Sri. Y. Ravi Kumar, the then Junior Inspector, District Cooperative Officer, W.G. District, Eluru, reported that Sri Y. Ravi Kumar, as section assistant has prepared the staff DA arrear bills No.66,67 and 68 and got it signed by the DDO/DCO on 28-11-2008 and presented the same in District Treasury Officer on 01-12-2008 along with other two bills. The STO signed and allotted token numbers to the bills 66 and 67 and the same were passed on 24-12-2008. But the bill No.68 not allotted token number and the section assistant had taken back the bill and submitted the same on 24-08-2009 i.e. in the next financial year, after lapse of 9 months. The then DCO has checked the TBR and put his signatures for all the entries except for this particular bill. As seen from the Original Bill and the TBR it is clear that the bill was not at all put for audit by the treasury authorities.

The enquiry officer reported that no proper action was taken in clearance of the DA arrear bill and abnormal delay for 9 months, which is not just and reasonable, but showing laxity in discharge of his duties and also Sri P. Ram Mohan, JR the then District Cooperative Officer, Eluru has failed to take any action against Sri Y. Ravi Kumar the then Junior Inspector.

Hence, the charge.

Charge No.04:-

"That the charged officer, while working as District Cooperative Officer, Eluru has issued orders to write off the "Due to" heads in respect of 8 PACSs in West Godavari District without examining the details reserved to gross violation of rules and instructions". Which amount to misuse of official position/power for personal gain.

P.T.O.

Basis of Charge:-

The Additional Joint Collector, W.G. District, Eluru in his report Rc.No.231/2014-A, Dated.02-07-2014, while conducting enquiry into certain allegations made against Sri Y. Ravi Kumar, the then Junior Inspector, District Cooperative Officer, W.G. District, Eluru, reported that:

"It is submitted that as seen from the files Rc.No.1014/2011-Cr1 and file Rc.No.1006/2012-Cr-I it is noticed that 8 Primary Agriculture Cooperative societies submitted 9 representations stating that the General Bodies of the societies have resolved to write off the "Due to Heads" from the books of accounts and requested for according permission of the Joint Registrar/ District Cooperative Officer, W.G. District, Eluru.

The then JR/ District Cooperative Officer has issued memorandums, to the societies on the dates mentioned in the below table against each society, informing them about the autonomy of the societies under Section 115-D (2) of the APCS Act 1964 and advised them to go ahead with the proposed write off of Due to heads as the General Bodies of the societies resolved for that.

Sl. No	Society Name	G.B.Resolution Date. No.	Proposals dated.	DCO memo dated.	Amount involved Rs.	Proposals made by
1	Chinthalapudi PACS	30-09-2011 R.No.39.	30-09-2011	03-10-2011	19,67,432.00	Secretary
2	Lingapalem PACS.	30.03.2012 R.No.8	04-10-2012	08-10-2012	12,87,717.15	Secretary &
3	Pothunuru PACS	29-09-2012 R.No.13.	30-09-2012	10-10-2012	8,82,956.22	President.
4	Rangapuram PACS	26-03-2012 R.No.260	27-03-2012	28-03-2012	12,33,130.45	President.
5a	K.Gokavaram PACS	30-03-2012 R.No.9	31-03-2012	31-03-2012	8,43,919.00	President.
5b	K.Gokavaram PACS.	28-03-2013 R.No.9	28-03-2013	30-03-2013	4,53,436.63	President.
6	Mattam Gudem PACS	29-09-2011 R.No. 1	31-03-2012	31-03-2012	4,97,241.48	President.
7	Jeelakarra Gudem PACS PACS	30-03-2012 R.No.6	31-03-2012	31-03-2012	5,22,328.12	President.
8	Kamavarapukota PACS.	29-03-2012 R.No. 10	31-03-2012	31-03-2012	8,33,414.38	Secretary

As seen from the memo issued by the then District Cooperative Officer, the General Body resolution dated.29-09-2011, the proposals received from the president on 12-12-2011 and the memo issued on 15-12-2011 to write off the misappropriated principle amount which was ordered for recovery along with interest as on the date of recovery under surcharge by the then Divisional Cooperative Officer, Kovvur. It is pertinent to mention here that the delinquent in this case is Sri. MVRL. Balakrishna, the then Secretary of the Dippakayalapadu PACS and presently working a Secretary of chinthalapudi PACS and the amount proposed for write off is only principle amount.

The Enquiry Officer opined that:

1. The proposals received in the District Cooperative Officer were not entered in the inward Registrar (New case Register).

2. The section Assistant has not scrutinized the proposals. True extract of the Minutes book Resolutions of the General Body were not enclosed with the Proposals.

3. All most all the proposals received on the same day or the very next day of General Body meeting held. (With regard Chinthalapudi PACS proposals, the general body was conducted at 2.30 PM on 30-09-2011 and the secretary made a representation to JR/DCO on 30-09-2011 and the then DCO has put his initial on 30-09-2011).

4. In all most all the received proposals action was taken on the same day or the very next day.

5. Most of the memos issued by the DCO on the last day of the financial year.

6. All the proposals involved heavy amounts.

7. No factual reports from the Field level staff to know whether those amounts can be recoverable or not?. No divisional level officer's reports are there for recommending write off.

8. No critical examination of the due to heads was done but simply basing on the representations of the presidents or secretaries of the societies memos were issued suggesting them to go ahead but no enquiry was ordered to know the status of the proposed writ offs.

9. Files were not processed in proper channel.
(i.e. section Assistant-> Section Superintendent-Officer.) All the Proposals were processed by the section Assistant by passing the section superintendent.

10. All the societies belong to the Chinthalapudi Sub-Division of Eluru Division.

11. In Dippakayalapadu PACS case, memo was issued by the DCO to write off the misappropriated principle amount, which was ordered for recovery along with interest as on the date of recovery under surcharge by the then Divisional Cooperative Officer, Kovvur without examining Whether the interest was realized of Not? And there is no information regarding the stage of Execution Petition filed against Sri. MVRL. Balakrishna, the then Secretary of the Dippakayalapadu PACS and presently working as Secretary of Chithalapudi PACS for the purpose of recovery of the misappropriate amount confirmed under Surcharge order.

As per section 115 (D), the societies are having autonomy on all financial and administrative matters only in the following 5 specified areas subject to the guidelines of RBI and NABARD and the Written off the due to head is not one among them.

1. Interest rates on deposits and loans.

2. Borrowing and investments.

3. Loan polices and individual loan decisions.

4. Personnel policy, staffing, recruitment, posting and compensation to staff and;

5. Internal control system, appointment of auditors and compensation for the audit.

The Inquiry Officer further opined that:

Even as seen from the APCS Act 1964, though the General Body is the ultimate authority to take necessary action under section 30, The General body of the society is only having write off power in case of bad debts only. Due to heads are not at all come under bad debts. These are sundry debtors.

This head is an Asset item in the balance sheet and the societies should take action for recovery of the said amounts as per the provisions of Section 60 (Surcharge) and u/s 70 (execution) of the APCS Act 1964 and made good to the society. After exhausting all the statutory avenues and all the efforts become futile only write off is to be considered as a last option.

After all observations it seems that it is a remarkable administrative financial conspiracy for weakening of the Primary Agricultural Cooperative Societies and to swallow for the PACS funds fraudulently, why because, as per the Andhra Pradesh Cooperative Act 1964, the write off powers vested with PACS-Why write off proposals came to DCO, when the DCO has no power on write off, why should issue any direction. As a head of the department, why he has not examined the status of debts? Whether good debt or bad debt. Who enquired on the write off proposals and confirmed as bad debts? What are the severe and genuine steps taken by the PACS for recovery of the debts.

The Inquiry Officer has opined that:-

Hence, without the instigation of departmental staff this could not be happened and all the memos issued on the last days of the financial year clearly indicating that departmental people working in the Chinthalapudi Sub-Division colluded with the presidents/secretaries and may be with the help of the then DCO and Section Assistant, arrange for issue of such invalid and misguiding memorandums. With these memorandums they might have managed the Departmental Auditors to get release the Due to heads from the Audit Repots. It is surprising that either the Cooperative Auditors, who conducted the Audit, or the Sub-Divisional Cooperative Officer, who regularly monitoring all the issues of the PACS in his jurisdiction or the Divisional Cooperative Officer, who is conducting meetings and visiting societies have not questioned the memorandums. On this charge the present defendant and senior officers involved. It is nothing but makeup the societies weak. Hence, a detailed departmental enquiry is needs in this regard to finalise the charges and erring officials."

Hence, the charge.

Charge No.05:-

"That the charged officer, has accorded permission for enhancement of salaries of staff of the societies, construction of Godowns, etc., this shows violating the instructions, rules and procedures." Which amounts to misuse of official position.

Basis of Charge:-

The Additional Joint Collector, W.G. District, Eluru in his report Rc.No.231/2014-A, Dated.02-07-2014, while conducting enquiry into certain allegations made against Sri. Y. Ravi Kumar, the then Junior Inspector, District Cooperative Officer, W.G. District, Eluru, reported as follows:-

"As seen from the file Rc.No.2222/2011-Cr-1, it is noticed that the officer has ordered for "put up memo to the president to convey the rule position" in the note file. But as seen from the memos prepared by the individual, it is noticed that the words "Permission Accorded" were included in the last paragraph of the memorandums and issued permission through memorandum for enhancement 40% of Salaries of Staff vide memo RC.N0.2222/2011- Cr-1, Dated.04-10-2011 through the autonomy of the society as per section 115-D (2) of the APCS Act, 1964 and Registrars instructions for not resorting to give permission without authority were mentioned in that memo.

And another memo vide Rc.No.2222/2011-Cr-1, dated.04-10-2011 issued Accordingly permission for Construction of Godown through the Rule position that as per Rule 39 (1) b the general Body is competent and the circular instructions

That no permission of the Registrar is required were mentioned in that memo.

Further, it is noticed that the files were not circulated in proper channel (i.e. Section Assistant — Superintendent-Officer) to the District Cooperative Officer and obtained Note orders.

The Inquiry Officer opined that:-

In view of the crystal clear record position and deposition of the alleged person, it is established that the individual for the reasons best known to him deviated from the Note orders and inserted the words "Permission Accorded" by violating the instructions of the Commissioner for Cooperation and Registrar of Cooperative Societies A.P. Hyderabad. Further, Every file before submitting to the officer for records, it should be routed through the concerned section superintendent. In the present cases in view of the insertion of the words "Permission Accorded" in the memos, it is construed that the section Assistant i.e. Sri Y. Ravi Kumar played a self interested role and violated the rules in force, and the then DCO also accepted the proposals of adding the words "permission accorded"."

Hence, the charge.

Charge No.06:-

"That the charged officer, has passed the TA Bills of Sri. Y. Ravi Kumar, Junior Inspector irregularly without scrutiny and verification of the records, viz, Attendance Register, Tour purposes and other relevant records and files." This shows violation of service Rules, disobedience and dereliction of legitimate duties

Basis of Charge:-

The Additional Joint Collector, W.G. District, Eluru in his report Rc.No.231/2014-A, Dated.02-07-2014, while enquiry into certain allegations made against Sri. Y. Ravi Kumar, the then Junior Inspector, District Cooperative Officer, W.G. District, Eluru, reported as follows:-

"As seen from the TA Bills submitted by the individual he claimed and encashed TA Bills during his deputation period for the months of July, September, October and Novernber'2012, February and March' 2013.

SL No.	Month.	Amount Claimed.
1	July'2012.	RS.1856.00
2	September'2012.	RS.1970.00
3	October'2012.	Rs.2992.00
4	November'2012.	RS.1956.00
5	November"2012.	Rs.2540.00
6	February'2013	Rs.2920.00
7	March'2013.	Rs.3200.00
Total		Rs.17434.00

Further, the following bills submitted by the individual are pending for drawl.

Sl. No.	Month.	Amount Claimed.
1	December'2012.	RS.2870.00
2	January'2013	Rs.3150.00
3	April'2013.	Rs.2650.00
4	May'2013.	Rs.2740.00
5	June'2013.	Rs.3030.00
		Rs.14440.00

That as seen from the Attendance Registers, only 5 days were marked as camp during the period he worked on deputation i.e. 3 days on 27-12-2011, 28-12-2011 and 29-12-2011 during the year 2011 and Two Days camp on 25-04-2012 and 28-04-2012 during the year 2012. Three Days training was marked on 26-09-2012, 27-09-2012 and 28-09-2012. The individual has not signed in the attendance register from 28-01-2013 to December'2013.

Thus the Inquiry Officer further opined that:-

As seen from the encashed bill, it is noticed that during September'2012 the individual is on training for 3 days but for the middle day of the training on 27-09-2012 he claimed TA Bill. For October'2012 he claimed TA Bill Public Holidays on 22-10-2012 and 24-10-2012. For Novmber'2012 he preferred Two TA. Bills and both were en cashed one on 10-12-2012 and the other on 12-12-2013. Much to this he claimed for the same day i.e.12-11-2012, 19-11-2012, 20-11-2012 and 21-11-2012. Moreover in the is' bill he claimed for the day 15-11-2012 as if he was gone Eluru to Kovvur. But in the 2nd bill for the very same day 15-11-2012 he claimed as if he was gone from Eluru to Tanuku.

Further, as seen from the bills submitted and pending for drawl, it is noticed that the individual preferred claims for the months of December'2012 and January, 2013 even though he was in receipt of election TA bill relating to PACS Elections for the same months.

The TA claims of the alleged person i.e. Sri Y. Ravi Kumar, JI are not tallied or correlated with the attendance registers of the period. Sri Y. Ravi Kumar, JI replied to charge. But, it is not at all convinced. The defendant successfully got his fraudulent claims passed by the controlling officer and drawn." Thus, the then District Cooperative Officer has irregularly passed T.A. Bills.

Hence the charge.

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE —II

List of documents by which the Articles of Charge farmed Sri. P. Ram Mohan, Joint Registrar the then District Cooperative Officer, W.G. District, Eluru under suspension, are proposed to be sustained:

1. Govt. Memo no.16164/Coop.5/2013-2, dt::06-01-2014.
2. Letter Rc.No.231/2014-A, Dated.02-07-2014 of the Additional Joint Collector, W.G. District, Eluru.
3) G.O.Rt.No.63, Agri. & Coop. (Vig.II) Dept., dt:27-01-2014.

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

List of witness by whom the Articles of Charge farmed against Sri. P. Ram Mohan, Joint Registrar, the then District Cooperative Officer, W.G. District, Eluru under suspension are proposed t be sustained

- NIL –

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER